
SENATE BILL No. 78

DIGEST OF INTRODUCED BILL

Citations Affected: IC 15-5-12-1; IC 15-5-12-3.5.

Synopsis: Dog attacks. Specifies that a dog owner may be held civilly liable if the owner's dog attacks a person who is carrying out a duty imposed by state law, federal law, postal regulations, a local ordinance, or under the authority of a public utility. Provides that a dog owner who recklessly, knowingly, or intentionally fails to restrain the owner's dog commits a class C misdemeanor if the dog attacks a person not on the owner's property. Establishes enhanced penalties for repeat offenses or if the victim suffers serious injury or death. Provides that a dog owner who fails to post a conspicuous sign warning of the dog or knowingly or intentionally fails to restrain the owner's dog during the daylight hours commits a class B misdemeanor if the dog attacks a person on the owner's property and the person is carrying out a duty imposed by state law, federal law, postal regulations, a local ordinance, or under the authority of a public utility. Requires a person who has a duty to enter the dog owner's property but who cannot enter the owner's property because of the dog to obtain a court order or notify the property owner by certified mail of the person's inability to enter the dog owner's property. Establishes enhanced penalties for repeat offenses or if the victim suffers serious injury or death.

Effective: July 1, 2002.

Simpson, Long

December 7, 2001, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

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Introduced

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE BILL No. 78

A BILL FOR AN ACT to amend the Indiana Code concerning animals.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 15-5-12-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. **(a) Subject to**
3 **subsections (b) and (c),** if a dog, without provocation, bites any person
4 who is **acting** peaceably ~~conducting himself~~ in any place where ~~he~~ **the**
5 **person** may be required to go for the purpose of discharging any duty
6 imposed: ~~upon him~~

7 **(1) by the laws or Constitution of this state the State of Indiana;**

8 **or**

9 **(2) by the laws or Constitution of the United States; or**

10 **(3) by postal regulations of the United States of America;**

11 **(4) by an ordinance adopted by a county or municipality (as**
12 **defined in IC 36-1-2-11); or**

13 **(5) under the authority of a public utility (as defined in**
14 **IC 8-1-2-1);**

15 the owner of such dog may be held **civilly** liable for any damages
16 suffered by the person bitten, regardless of the former viciousness of
17 such dog, or the owner's knowledge of such viciousness.

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IN 78—LS 6127/DI 106+



(b) Except as provided in subsection (c), subsection (a) does not apply if, when a dog bite occurs:

(1) the dog referred to in subsection (a) is on the real property of the dog owner; and

(2) there is a sign on the real property of the dog owner that:
 (A) is conspicuously posted;
 (B) is readable from a public way adjoining the real property of the dog owner; and
 (C) warns that a dog is present on the property.

(c) Subsection (b) does not apply if the person who is bitten is:

(1) a firefighter or another provider of emergency services responding to an emergency; or

(2) a law enforcement officer.

SECTION 2. IC 15-5-12-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3.5. (a) If:

(1) a person:

(A) owns or has control of real property where a person described in section 1(a) of this chapter is bitten; and

(B) owns the dog that bites the person described in section 1(a) of this chapter;

(2) the person who is bitten incurs serious bodily injury from the dog bite; and

(3) the person referred to in subdivision (1) knowingly or intentionally:

(A) fails to have conspicuously posted on the property, at the time of the dog bite, a sign that:

(i) is readable from a public way adjoining the property; and

(ii) warns that a dog is present on the real property; or

(B) if a sign described in clause (A) is not posted on the property, fails to take reasonable steps to restrain the dog when the person is bitten;

the person referred to in subdivision (1) commits a Class B misdemeanor.

(b) The offense under subsection (a) is:

(1) a Class A misdemeanor if the dog owner has a prior unrelated conviction under:

(A) this section;

(B) section 3(b)(2)(B) of this chapter;

(C) section 3(b)(3) of this chapter; or

(D) section 3(b)(4) of this chapter; or



1 (2) a Class C felony if the dog bite or attack results in the
2 death of a person.

3 (c) If a person required to enter a dog owner's property for the
4 purpose of discharging a duty described in section 1(a) of this
5 chapter is unable to enter the dog owner's property due to the
6 presence of the owner's dog, the person shall:

7 (1) notify the dog owner by certified mail, return receipt
8 requested, that the person is required to enter the dog owner's
9 property; or

10 (2) obtain an order from a court authorizing the person to
11 enter the dog owner's property.

12 SECTION 3. [EFFECTIVE JULY 1, 2002] IC 15-5-12-1, as
13 amended by this act, and IC 15-5-12-3.5, as added by this act, apply
14 only to acts committed after June 30, 2002.

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